IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 506 OF 2006

Suresh Dattatraya Nalkar ....Applicant.

V/s

The State of Maharashtra ....Respondent.

Mr. A.M. Riyaz for the applicant.
Ms. Rajeshree M. Gadhvi, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 10th March, 2006

P.C:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested on 13/1/2006 in connection with C.R. No. 27 of 2006 registered at Nashik Road Police Station for the offence punishable under section 302 of the Indian Penal Code.

3. It is alleged that the deceased and the applicant had an altercation on account of the applicant abusing the deceased. The deceased slapped the present applicant and the applicant and other three persons assaulted the deceased with fist blows and kick blows on his stomach. The deceased was admitted in the

hospital on 11/1/2006 and, subsequently, he died on 13/1/2006. The charge-sheet has not been filed so far.

4. The learned APP states that the charge-sheet is likely to be filed in two weeks. The investigation is almost over. The allegation against the applicant is that he had given fist blows and kick blows to the deceased.

5. Considering the role of the applicant, in my view, he is entitled to be released on bail. The applicant be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount. The applicant shall report to the Nashik Road Police Station once in a week till filing of the charge-sheet and, thereafter, once in a month. He shall not tamper with the evidence or threaten the witnesses. If any attempt is made by the applicant to tamper with the evidence or to threaten the witnesses, the application may be made for cancellation of the bail.

6. Application is disposed of accordingly.

V.M. KANADE, J.